

### **DETAILED ACTION**

#### ***Allowable Subject Matter***

1. Claims 1-35 are allowed.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney, Mr. Mark A. Hollingsworth, on 10 May 2006 and 11 May 2006.

4. The application has been amended as follows:

In claim 1, line 14, immediately after "...the processor" -- for -- was inserted.

In claim 1, line 17, immediately after "processor" -- for -- was inserted.

In claim 31, line ~~17~~<sup>97</sup>, immediately after "...activity state using the" -- muscle -- was inserted.

#### ***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

6. Independent claims 1, 17, and 31 recite an implantable cardiac stimulation device with one or more subcutaneous non-intrathoracic electrodes for ascertaining cardiac and muscle activity. The information pertaining to the cardiac activity aids in determining in an arrhythmia is present, and the information pertaining to the muscle activity allows for the modification delivery of therapy for the determined arrhythmia.